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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,696	06/28/2000	Angus O. Dougherty	1759CIP/USW0577 PUS	6861
22193	7590	06/14/2005	EXAMINER	
QWEST COMMUNICATIONS INTERNATIONAL INC LAW DEPT INTELLECTUAL PROPERTY GROUP 1801 CALIFORNIA STREET, SUITE 3800 DENVER, CO 80202			STEVENS, ROBERTA A	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/605,696

Applicant(s)

DOUGHERTY ET AL.

Examiner

Roberta A. Shand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2-17-05</u> | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10-17, 28-36, 38, 41 and 45 and 28-46, rejected under 35 U.S.C. 102(b) as being anticipated by Kostreski (U.S. 5536892).

3. Regarding claim 10, Kostreski teaches (figs. 6 and 7) a method of distributing high-speed information packets to at least one subscriber unit (100), each information packet associated with an information channel (col. 6, line 65 – col. 7, line 18), comprising routing each information packet through a distributed network of routing elements (transmitter systems and down converter) in wireless communication with at least one other routing element (transmitter system and down converter) in the network of routing elements (transmitter systems); receiving each information packet in a distribution center (headend) in communication with the distributed network of routing elements (transmitter system and down converter); forwarding each information packet to each subscriber unit (100) in communication with the distribution center (headend) and requesting the information channel of which the information packet is associated (col. 13, line 60 – column 15, line 50).

4. Regarding claims 11 and 37, Kostreski teaches (fig. 6) the packets contain video information.

5. Regarding claim 12, Kostreski teaches (figs 6 and 7) routing each information packet through a distributed network of distribution points; and transmitting each information packet to an access point operative to communicate with a plurality of subscriber units (100).
6. Regarding claims 13 and 39, Kostreski teaches (fig. 6) at least one distribution point is operating as a distribution center.
7. Regarding claims 14 and 40, Kostreski teaches (col. 14, lines 41-52) at least one access point is operating as a distribution center.
8. Regarding claim 15, Kostreski teaches (col. 19, lines 30-50) receiving a request from a subscriber unit to access an information channel; requesting transmission of the requested information channel if no other subscriber unit is receiving the requested information channel; and noting that the requesting subscriber unit is receiving the requested information channel.
9. Regarding claims 16 and 42, Kostreski teaches (col. 19, lines 30-50) receiving a request from a subscriber unit comprises determining that the requesting subscriber unit is within the coverage area of a distribution center.
10. Regarding claims 17 and 43 Kostreski teaches (col. 19, lines 30-50) receiving a request from a subscriber unit comprises receiving a message from a subscriber unit.

11. Regarding claim 28, Kostreski teaches (figs. 6 and 7) a system for providing packetized video information to a plurality of subscriber unit (100) comprising a distributed routing network, the distributed routing network comprising a plurality of distribution points (transmitter system and down converter), each distribution point (transmitter system) in radio contact with at least one other distribution point (transmitter system), at least one other distribution points functioning as a video distribution center.

12. Regarding claim 29, Kostreski teaches (col. 19, lines 30-50) at least one of the distribution points is operative to receive requests for video content from at least one subscriber unit and forward the requests to at least one video supplier (fig. 6).

13. Regarding claim 30, Kostreski teaches (fig. 6 and col. 13, line 60 – column 15, line 50) at least one distribution center forwards video information packets comprising a video channel to each subscriber unit served by the video distribution center requesting the video channel.

14. Regarding claim 31, Kostreski teaches (figs. 6 and 7) a system for providing packetized video information to a plurality of subscriber units (100) comprising: a distributed routing network, comprising a plurality of distribution points (transmitter system and down converter), each distribution point in radio contact with at least one other distribution point (transmitter system and down converter); and at least one access point in communication with the distribution routing network functioning as a video distribution center (col. 13, line 60 – column 15, line 50).

15. Regarding claim 32, Kostreski teaches (col. 13, line 60 – column 15, line 50)  
at least one of the access points is operative to receive requests for video content from at least one subscriber unit and forward the requests to at least one video supplier.
16. Regarding claim 33, Kostreski teaches (col. 13, line 60 – column 15, line 50)  
at least one access center forwards video information packets comprising a video channel to each subscriber unit served by the video distribution center requesting the video channel.
17. Regarding claim 34, Kostreski teaches (col. 19, lines 30-50) at least one access point is operative to receive a request to access a video channel from a subscriber unit (100); determine if the requested video channel is currently being accessed by another subscriber unit served by the access point; and if the requested video channel is not currently being accessed by another subscriber unit served by the access point, forwarding the request to a video supplier.
18. Regarding claim 35 Kostreski teaches (figs. 6 and 7 and col. 19, lines 30-50) receive a video information packet from at least one video supplier; determining if the received video packet corresponds to a video channel requested by more than one subscriber unit; and forward the video packet to each subscriber unit (100) requesting the video channel.
19. Regarding claim 36, Kostreski teaches (figs. 6 and 7) a system for distributing high-speed information packets to at least one subscriber unit (100), each information packet associated with

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an information channel (col. 6, line 65 – col. 7, line 18), comprising: a distributing network of routing elements (transmitter systems) for routing each information packet, in wireless communication with at least one other routing element in the network; and at least one distribution center (headend) in communication with the distributed network of routing elements (transmitter systems and down converter) and with at least one subscriber unit (100), each distribution center (headend) forwarding each information packet to each subscriber unit requesting the information channel associated with each information packet (col. 13, line 60 – column 15, line 50).

20. Regarding claim 38, Kostreski teaches (figs. 6 and 7) the distributed network of routing elements comprising: a distributed network of distribution points (transmitter systems) operative to route each information packet; and at least one access point (headend) operative to communicate with a plurality of subscriber units (100).

21. Regarding claim 41, Kostreski teaches (fig 6) the at least one distribution center (headend) receives a request from a subscriber unit to access an information channel an request transmission of the requested information channel if no other subscriber unit is receiving the requested information channel col. 19, lines 30-50).

22. Regarding claim 45, Kostreski teaches (col. 13, line 60 – column 15, line 50) at least one distribution center Headend) notes that the requesting subscriber unit is receiving the requested information channel.

***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

25. Claims 20-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kostreski in view of Gerszberg (U.S. 6049533).

26. Regarding claims 20-22, Kostreski (figs. 6 and 7) a system for providing high-speed packetized information comprising a distributed routing network, the distributed routing network comprising a plurality of distribution points (transmitter systems and down converter) in radio

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contact with at least one other distribution point (transmitter system and down converter) in the plurality of distribution points. 29. As for a converting to optical format

27. Kostreski does not teach HDT.

28. Gerszberg teaches (col. 20, lines 23-30) HDT. It would have been obvious to one of ordinary skill in the art at the time this invention was made to adapt to Kostreski's system Gersberg's HDT to provide better quality of service.

29. Regarding claim 23, Kostreski teaches (fig 7) at least one subscriber unit (100) is in communication with the at least one access point (headend) through a network interface device.

30. Regarding claim 24, Kostroski teaches (fig. 6) at least one access point (headend) functions as a video distribution center.

31. Regarding claims 25, Gerszberg teaches (col. 14, line 64 – col. 15, line 4) VDSL service,

32. Regarding claim 26, Kostreski teaches (fig, 6) the information includes video information.

33. Regarding claim 27, Kostreski (fig. 6) at least one distribution point functions as a video distribution center.

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34. Claims 18, 19, 44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kostreski in view of Moriarty (U.S. 6052744).

35. Regarding claims 18 and 44 Kostreski does not teach transmitting a dummy address as the destination for the requested transmission of the required information channel.

36. Moriarty teaches (col. 19, lines 53-67) transmitting a dummy address as the destination for the requested transmission of the required information channel. It would have been obvious to one of ordinary skill in the art at the time this invention was made to adapt to Kostreski S system Moriarty's dummy address because it can be quickly discarded from the system.

37. Regarding claims 19 and 46 as for determining that a subscriber unit is no longer accessing the information channel; canceling transmission of the information channel if no other subscriber unit is receiving the information channel; and noting that the subscriber unit is no longer receiving the information channel. It would have been obvious o one of ordinary skill in the art at the time the invention was made to adapt to Kostreski and Moriarty this feature to maintain quality of service within the system.

### ***Response to Arguments***

38. Applicant's arguments filed January 10, 2005 have been fully considered but they are not persuasive. Applicant argues that Kostreski does not teach each routing element in wireless communication with at least one other routing element. Applicant is directed to figure 7 where it

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is depicted the transmitter systems in wireless communication with the down converter, which is a routing element in the network.

### ***Conclusion***

39. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

40. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

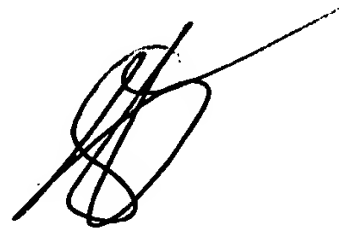
41. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

42. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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43. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Shand  
Examiner  
Art Unit 2665

A handwritten signature in black ink, appearing to be 'S. NGUYEN', with a long horizontal line extending to the right.

STEVEN NGUYEN  
PRIMARY EXAMINER